



## SHANKS & HERBERT

Intellectual Property Advocates

TransPotomac Plaza, 1033 N. Fairfax St., Suite 306, Alexandria, VA 22314  
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*Receipt*

March 5, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Patent Application  
Appl. No.: 09/760,897  
Filed: January 17, 2001  
For: **COMPOSITIONS AND METHODS FOR NON-TARGETED  
ACTIVATION OF ENDOGENOUS GENES**  
Inventors: Harrington et al.  
Attorney Docket No.: 0221-0003OC

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TECH CENTER 1600/2900

Sir:

The following documents are forwarded herewith for appropriate action by the  
U.S. Patent and Trademark Office:

1. Request for Corrected Official Filing Receipt;
2. Copy of Utility Patent Application Transmittal for Appl. No. 09/515,124 filed February 25, 2000;
3. Copy of the Return Postcard for Appl. No. 09/515,124 with the date of mailing listed as February 25, 2000; and
4. Copy of the Official Filing Receipt with corrections in red.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS & HERBERT

Kristin K. Vidovich  
Reg. No. 41,448

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Appl. S.N. 09/760,897  
Atty. Docket No. 0221-0003OC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Harrington et al.

Art Unit: 1655

Appl. No. 09/760,897

Examiner: B. Forman

Filed: January 17, 2001

For: **COMPOSITIONS AND METHODS FOR  
NON-TARGETED ACTIVATION OF  
ENDOGENOUS GENES**

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**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant(s) hereby request(s) that a corrected Official Filing Receipt be issued and sent to the undersigned representative.

Specifically, it is noted that the following is incorrect on the present Official Filing Receipt:

1. Under the Domestic Priority data as claimed by applicant, the filing date of **February 27, 2000** for Appl. No. 09/515,124 is incorrect and should be **February 25, 2000** as shown on the certificate of mailing on the following document filed on February 25, 2000 in conjunction with Appl. No. 09/515,124:

- a. Utility Patent Application Transmittal.

In support of the above request, a photocopy of the Official Filing Receipt is enclosed with the corrections noted in red, as well as a photocopy of the above-

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referenced document. Also enclosed is a copy of the Return Postcard for Appl. No. 09/515,124 with date of mailing listed as February 25, 2000.

It is therefore respectfully requested that a corrected Official Filing Receipt be issued and officially entered into the case, which reflects the correction of all the above-noted error(s). It is further requested that the corrected Official Filing Receipt be sent to the undersigned at the earliest possible time.

Respectfully submitted,

SHANKS & HERBERT

By: Kristin K. Vidovich  
(Kristin K. Vidovich  
Reg. No. 41,448

Date: March 5, 2002

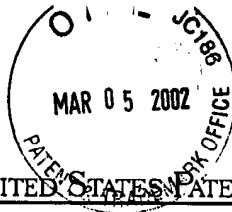
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/760,897	01/17/2001	1655	755	0221-00030 (C)	0	1	1

CONFIRMATION NO. 3522

## FILING RECEIPT



\*OC000000007286115\*

SHANKS & HERBERT  
TransPotomac Plaza  
1033 N. Fairfax St., Suite 306  
Alexandria, VA 22314

Date Mailed: 01/09/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

John J. Harrington, Mentor, OH;  
Bruce Sherf, Spencer, OH;  
Stephen Rundlett, Chagrin Falls, OH;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/515,124 02/27/2000 ABN  
WHICH IS A DIV OF 09/276,820 03/26/1999  
WHICH IS A CIP OF 09/263,814 03/08/1999 ABN  
WHICH IS A CIP OF 09/253,022 02/19/1999 ABN  
WHICH IS A CIP OF 09/159,643 09/24/1998 ABN  
WHICH IS A CIP OF 08/941,223 09/26/1997 ABN

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## Foreign Applications

If Required, Foreign Filing License Granted 05/07/2001

Projected Publication Date: WDOT

Non-Publication Request: No

Early Publication Request: No

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SM

KV

2/5/02

**Title**

Compositions and methods for non-targeted activation of endogenous genes

**Preliminary Class**

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

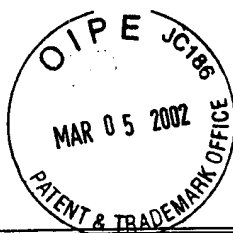
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12 if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has elapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No. 5817-70
	First Inventor or Application Identifier: Harrington, <i>et al.</i>
	Title of Invention: COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES
	Express Mail Label No. EL039496210US

A. ADDRESS TO: ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: John J. Harrington, Bruce Sherf, and Stephen Rundlett

1. ☒ The Filing Fee has been calculated as shown below:  
(Submit an original, and a duplicate for fee processing)

	No. Filed	No. Extra	Small Entity		Large Entity	
			Rate	Fee 1	Rate	Fee 0
BASIC FEE				\$ 345		\$0
TOTAL CLAIMS:	8 - 20 =	0		X 9 = \$ 0		x 18 = \$0
INDEP CLAIMS:	1 - 3 =	0		X 39 = \$ 0		x 78 = \$0
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED				+130 = \$ 130		+260 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL	\$ 475	TOTAL	\$

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).  
b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).  
☒ A check in the amount of \$475 is enclosed.

- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

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2. ☒ Specification; Total Pages 166
3. ☒ 62 Sheets of Formal Drawing(s) (35 USC 113)
4. ☒ Declaration and Power of Attorney; [Total Pages 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 16 completed)
    - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
5. ☐ Microfiche Computer Program (Appendix)
6. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☒ Paper Copy (identical to computer copy)
  - c. ☒ Statement verifying identity of above paper copy with computer readable copy in prior application

#### ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s) (including \$40.00 fee)
8. ☒ 37 CFR 3.73(b) Statement (when there is an assignee); ☒ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☒ Information Disclosure Statement (IDS)/PTO-1449
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
13. ☒ Small Entity Statement(s)
 

☒ Statement as filed in prior application; status still proper and desired.
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)  
Foreign Priority is
15. ☐ Other: \_\_\_\_\_
16. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment:**

- ☐ Continuation    ☒ Divisional    ☐ Continuation in Part (CIP)  
 of prior Application No: 09/276,820; Filed March 26, 1999, which is a CIP of

09/263,814 filed 3/8/99, which is a CIP of 09/253,022 filed 2/19/99, which is a CIP of 09/159,643 filed 9/24/98,  
which is a CIP of 08,941,223 filed 09/26/97

Prior Application Information: Examiner Ram Shukla

Group/Art Unit: 1632

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. **CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label **000826**

Attention Of: Anne Brown

Signature: *Anne Brown*

Attorney of Record: Anne Brown

Attorney Registration No. 36,463

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**ALSTON & BIRD LLP**

P.O. Drawer 34009

Charlotte NC 28234-4009

"Express Mail" mailing label number EL039496210US

Date of Deposit February 25, 2000

**EL039496210US**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, DC 20231.

*Nora C. Martinez*

Nora C. Martinez

RTA01/2074308v1





Assistant Commissioner For Patents  
Washington, DC 20231

Date Mailed: 02/25/00  
Att. No. 5817-70

Kindly acknowledge receipt of the accompanying DIVISIONAL PATENT APPLICATION with Application Transmittal Cover Sheet for:

Inventor(s): Harrington, *et al.*

Title of Invention: COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES

Pages of Spec. (including claims and abstract) 166; No. of Claims 8

No. of Drawing Sheets 62; Declaration Enclosed Yes (2 pgs)

Small Entity Statement Enclosed (as filed in prior application);

IDS with PTO 1449 Enclosed Yes (25 pgs);

Other Documents: Revocation & Power of Attorney from Assignee; Certificate Under 37 CFR § 3.73(b); Request for Transfer of Computer Readable Form of Seq Listing; paper copy of Seq Listing (14 pages); Prelim Amendment (2 pgs)

Check Enclosed: \$475

Please place office stamp hereon and Return Postcard to : Nora Martinez/ARB  
ALSTON & BIRD LLP



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